

final rule removes certain data collection requirements at DFARS 253.204–70(e) to reflect recent changes to DFARS guidance concerning programs for small disadvantaged business concerns (63 FR 41972, August 6, 1998), and the expiration of statutory provisions that permitted nonprofit agencies employing people who are blind or severely disabled to participate in acquisitions set aside for small business concerns.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98–D018.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 253 is amended as follows:

1. The authority citation for 48 CFR Part 253 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 253—FORMS

2. Section 253.204–70 is amended by revising paragraphs (e)(1), (2), and (3) to read as follows:

253.204–70 DD Form 350, Individual Contracting Action Report.

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(e) * * *

(1) BLOCK E1. Reserved.

(2) BLOCK E2. Reserved.

(3) BLOCK E3. Reserved.

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DEPARTMENT OF DEFENSE

48 CFR Part 253

[DFARS Case 98–D009]

Defense Federal Acquisition Regulation Supplement; Contract Action Reporting—1998

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update and clarify contract action reporting requirements relating to awards to Federal Prison Industries and government agencies, use of letter contracts, definitization of contracts, orders under agreements and Federal Supply Schedules, simplified acquisition procedures, and women-owned business status.

EFFECTIVE DATE: November 9, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 98–D009.

SUPPLEMENTARY INFORMATION:

A. Background

DoD uses DD Form 350, Individual Contracting Action Report, to collect data on contracting actions that obligate or deobligate more than \$25,000. This final rule updates and clarifies the DD Form 350 coding instructions at DFARS 253.204–70 (b) and (d).

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98–D009.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 253 is amended as follows:

1. The authority citation for 48 CFR Part 253 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 253—FORMS

2. Section 253.204–70 is amended by revising paragraphs (b)(5)(ii)(A), (b)(5)(ii)(B)(1), (b)(13)(i)(A), (b)(13)(i)(B) introductory text, (b)(13)(i)(C), (b)(13)(i)(E), (b)(13)(i)(G), (b)(13)(iv)(I), (b)(14)(iii), (b)(14)(iv), and (d)(5)(vi) to read as follows:

253.204–70 DD Form 350, Individual Contracting Action Report.

* * * * *

(b) * * *

(5) * * *

(ii) * * *

(A) BLOCK B5A, CONTRACTOR IDENTIFICATION NUMBER. Enter the contractor's 9-position Data Universal Numbering System (DUNS) number (see FAR 4.602(d) and 4.603). For all actions with UNICOR/Federal Prison Industries, use DUNS number 62–662–7459.

(B) * * *

(1) *Code Y—Yes.* Enter code Y when the contractor is a Federal/State/local government agency of the United States and outlying areas (see 204.670–1(d)). Do not use code Y when the government agency is an educational institution.

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(13) * * *

(i) * * *

(A) *Code 1—Letter Contract.* Enter code 1 when the contracting action is a letter contract or a modification to a letter contract that has not been definitized.

(B) *Code 3—Definitive Contract.* Enter code 3 when the contracting action is the award or modification of a definitive contract or a modification that definitizes a contract. Code 3 includes the following:

* * * * *

(C) *Code 4—Order under an Agreement.* Enter code 4 when the contracting action is an order or definitization of an order under an agreement other than a blanket purchase agreement. Examples include an order exceeding \$25,000 under a basic ordering agreement or a master ship repair agreement and a job order when the contract is created by issuing the order. A call under a blanket purchase

agreement associated with a Federal Supply Schedule, pursuant to FAR 8.404(b)(4), is coded 6. A call under other blanket purchase agreements, pursuant to FAR 13.303, is coded 9. When the contracting action is a modification to an order described in code 4 instructions, enter code 4 in B13A.

* * * * *

(E) *Code 6—Order/Call under Federal Schedule.* Enter code 6 if the contracting action is an order under a GSA or VA Federal Supply Schedule, or a call against a blanket purchase agreement established under a GSA or VA Federal Supply Schedule (see FAR 8.404). Code 6 includes orders under Federal Supply Schedules for items on the Procurement List. When the contracting action is a modification to an order/call described in code 6 instructions, enter code 6 in B13A.

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(G) *Code 9—Purchase Order/Call.* Enter code 9 if the contracting action,

including an action in a designated industry group under the Small Business Competitiveness Demonstration Program (see FAR Subpart 19.10), is an award pursuant to FAR Part 13, except when the contracting action is a blanket purchase agreement call pursuant to FAR 8.404(b)(4) (see code 6). When the contracting action is a modification to a purchase order/call described in code 9 instructions, enter code 9 in B13A.

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(iv) * * *

(I) *Code J—Definitization of a Letter Contract.* Enter code J if the contracting action is the definitization of a letter contract, and enter code 3 in Block B13A.

(14) * * *

(iii) *Code C—Simplified Acquisition Procedures Other than FAR Subpart 13.5.* Enter code C if the action resulted from use of the procedures in FAR Part 13, other than those in Subpart 13.5.

(iv) *Code D—Simplified Procedures Pursuant to FAR Subpart 13.5.* Enter

code D if the action resulted from use of the procedures in FAR Subpart 13.5.

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(d) * * *

(5) * * *

(vi) **BLOCK D6, WOMEN-OWNED BUSINESS.** Enter one of the following codes:

(A) *Code Y—Yes.* Enter code Y if the response to FAR 52.204–5, 52.212–3(c), or 52.219–1(b) indicates that it is a women-owned business.

(B) *Code N—No.* Enter code N if the contractor's response to FAR 52.204–5, 52.212–3(c), or 52.219–1(b) indicates that it is not a women-owned business.

(C) *Code U—Uncertified.* Enter code U if the information is not available because the contractor did not complete the representation under FAR 52.204–5, 52.212–3(c), or 52.219–1(b).

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